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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,403	06/24/2003	Dave Anderson	60027.0195US01/BS# 030100	3391
39262 7590 09/08/2008 MERCHANT & GOULD BELL SOUTH CORPORATION P.O. BOX 2903 MINNEAPOLIS, MN 55402			EXAMINER CUMARASEGARAN, VERN	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 09/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/603,403	Applicant(s) ANDERSON ET AL.	
	Examiner VERN CUMARASEGARAN	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/3/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owners.com (see PTO-892 V) in view of Raiyani et al. (US 2004/0181461 A1).

As to claim 1, Owners.com shows providing a set of verbal questions about a real estate listing corresponding to the question data (*where in order for buyers to get information about a property question about the property must have been provided. Verbal questions are interpreted to be questions composed of words*); receiving verbal answers to the set of verbal questions ("Owners Answering Service") from real estate seller, interpreting the received answers to produce listing data through speech recognition (*where in order to retrieve listing information for the caller, a speech recognition feature must be inherently present*) and posting the listing data for access by real estate customers through a web page (*where answers regarding the listing data given by the answering service would be accessible to potential buyers*).

Owners.com does not expressly show providing question data by a voice service node nor providing verbal questions over a voiced call. However, Raiyani et al. show providing question data to a voice service node and providing verbal questions over a

voiced call (paragraph 109). Furthermore, Raiyani et al. show the question data being in various formats including text and the text format being converted to voice (paragraph 197).

It would have been obvious to one of ordinary skill in the art to modify owner.com and incorporate providing of verbal questions over a voiced call because it is within the capabilities of one of ordinary skill in the art provide verbal questions over a voiced call in addition to providing verbal answers over a voiced call.

As to claims 2, Raiyani et al. show providing a first verbal question and awaiting a verbal answer to be received prior to providing a second verbal answer (Fig. 18).

As to claim 3, Raiyani et al. show second verbal question being dependent upon verbal answer received for the first verbal question (Fig. 16 no.1630).

As to claim 4, Raiyani et al. show generating a suggestion based on the verbal answer to the first and second verbal questions and providing suggestion over the voiced call to the user (Fig. 16 no.1650).

As to claim 5, Owners.com shows providing the listing data on a web page.

As to claim 6, Raiyani et al. show providing verbal information based on the listing data from the voice services node over a voiced call (paragraph 82).

As to claims 7, 8, 17 and 18, Raiyani et al. show voiced call being landline and wireless (paragraph 141).

As to claim 9, Owners.com shows accessing a listing service database based on the provided information and including an identifier of real estate ("Listing ID").

As to claim 10, Owners.com shows receiving verbal answers (*interpreted to be answers composed of words*) to the set of verbal questions (*the user makes the appropriate selections regarding his property from the menu*) from real estate seller (*user*), interpreting the received answers to produce listing data through speech recognition (*where in order to retrieve listing information for the caller, a speech recognition feature must be inherently present*), converting the listing data into verbal listing information and providing verbal listing information to the user (*where in order to convert listing information, a speech recognition feature must be inherently present*).

However, Owners.com does not expressly show receiving nor providing verbal information to a voice service node. Raiyani et al. show providing question data to a voice service node (paragraph 109).

It would have been obvious to one of ordinary skill in the art to modify Owners.com and incorporate the voice feature shown by Raiyani et al. because it would allow users with eye disability to use the method thus increasing the user base and potential revenue.

As to claim 11, Owners.com shows providing verbal questions about a real estate listing to the user (*where question data is interpreted to be information such as location and type of property and verbal questions are interpreted to be questions composed of words*); receiving verbal answers to the set of verbal questions (*the user makes the appropriate selections from the menu*) from real estate seller (*user*), interpreting the received answers to produce listing data and providing the listing data to the user.

However, Owners.com does not expressly show providing question data to a voice service node. Raiyani et al. show providing question data to a voice service node (paragraph 110).

It would have been obvious to one of ordinary skill in the art to modify Owners.com and incorporate the voice feature shown by Raiyani et al. because it would allow users with eye disability to use the method thus increasing the user base and potential revenue.

As to claim 12, Owners.com shows providing a verbal question about a real estate listing in response to receiving a verbal question from user and is based on the question (*where the entry for city would be dependent on the state selected*).

As to claim 13, Owners.com shows receiving and interpreting a verbal question from user and providing listing information based on the information from the user. However, Owners.com does not expressly show receiving and providing information to a voice services node. Raiyani et al. show providing question data to a voice service node (paragraph 110).

It would have been obvious to one of ordinary skill in the art to modify Owners.com and incorporate the voice feature shown by Raiyani et al. because it would allow users with eye disability to use the method thus increasing the user base and potential revenue.

As to claim 14, Owners.com shows receiving the verbal question from user while verbal listing information is being provided to user.

As to claim 15, Raiyani et al. show receiving information from a real estate seller through a web page and storing the information in preparation for receiving queries (paragraph 6).

As to claim 16, Raiyani et al. show receiving information over a voiced call and storing the information for future retrieval by a user (paragraph 113).

As to claims 19 and 20, Owners.com shows query for listing data obtaining data relative to the identified piece of real estate.

As to claim 21, Raiyani et al. show providing verbal directions to the location of product for sale (paragraph 8).

As to claims 25 and 27, Owners.com shows question data to a real estate seller and verbal answers from the real estate seller and interpreting the answers to produce answer data.

Raiyani et al. show a speech recognition and text-to-speech feature (paragraph 197); voice services node (paragraph 10); a listing database (paragraph 6); a network-based computer that provides data to voice services node, receives data from the voice services node and stores data in user accessible database (paragraph 89).

It would have been obvious to one of ordinary skill in the art to modify Owners.com and incorporate the voice feature shown by Raiyani et al. because it would allow users with eye disability to use the method thus increasing the user base and potential revenue.

As to claims 26 and 28, Raiyani et al. show voice services node receiving verbal information (paragraph 10), interpreting verbal information to produce query data

(Fig. 14), providing verbal information to user based on listing data to the voice services node (Fig. 14).

Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owners.com (see PTO-892 U) in view of official notice.

As to claim 22, Owners.com does not expressly show interpreting verbal information to initiate automated scheduling of an appointment. Examiner takes official notice that it would have been obvious to one of ordinary skill in the art to modify Owners.com and incorporate a scheduling feature because it would enhance the user experience by providing the user convenience of making appointments to properties he or she is interested in.

As to claim 23, Owners.com does not expressly show determining location of user. Examiner takes official notice that it would have been obvious to one of ordinary skill in the art to modify Owners.com and incorporate user location feature because it would make it easier to provide directions to the user, if the user does not know his or her location.

As to claim 24, Owners.com does not expressly show providing visual listing information. Examiner takes official notice that it would have been obvious to one of ordinary skill in the art to modify Owners.com and include visual listing information and directions because it would enhance the user experience.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

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Contrary to applicant's argument, Raiyani discloses a text input feature and text-to-speech conversion feature (paragraph 197). Therefore, Owners and Raiyani in combination teaches the elements claims 1, 10 and 25 and the rejection is maintained.

Applicant's attempt to traverse the official notice taken with respect to claims 22-24 are not adequate since the applicant has not pointed out any specific errors in the assertion of facts. According to MPEP 2144.03 (c), to adequately traverse an official notice, the applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge. The following assertion of facts have gone unchallenged and considered admitted prior art:

- verbal real estate listing specifying a particular real estate listing including a real estate seller, the method further comprising interpreting the verbal information to initiate automated scheduling of an appointment between the real estate customer and the real estate seller
- determining a location of the real estate customer based on the real estate customer accessing a communications network, and wherein interpreting the verbal information to produce a query for real estate listing data further comprises including the location of the real estate customer in the query
- providing visual real estate listing information and directions to the real estate customer in addition to the verbal real estate listing information from the voice services node

Applicant's arguments regarding the rejection of claims 1-9 and 24 under 35 U.S.C. 112 second paragraph have been fully considered and are persuasive. The rejection under 35 U.S.C. 112 second paragraph is withdrawn.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERN CUMARASEGARAN whose telephone number is (571)270-3273. The examiner can normally be reached on Monday - Friday 8:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vc

/John G. Weiss/

Supervisory Patent Examiner, Art Unit 3629